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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/631,254

07/31/2003

Kenneth W. Junk

06005/39548

1586

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7590

06/12/2008

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EXAMINER

RAYMOND, EDWARD

ART UNIT

PAPER NUMBER

2857

MAIL DATE

DELIVERY MODE

06/12/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/631,254	JUNK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	/Edward Raymond/	2857	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-11 and 13-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-8,11,13,14,17 and 18-22 is/are rejected.
- 7) ☒ Claim(s) 9,10,15,16 and 23 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1, 3, 5-11, and 13-23** are rejected under 35 U.S.C. 102(b) as being anticipated by Glaser et al.

3. Glaser et al. teach a diagnostic method and system for a field device in a process control apparatus (Claims 1, 11, 17, and 22: see col. 4, lines 50-60), comprising: at least one sensor associated with the process control apparatus (Claims 1, 11, 17 and 22: see col. 9, lines 32-40); a computer located on the field device and adapted to receive data from the sensor and to detect an occurrence of a predetermined process event (Claims 1, 11, 17 and 22: see col. 32-40)); and a memory device operatively connected to the computer and adapted to store sensor data received by the computer at a time corresponding to the occurrence of the predetermined process event (Claims 1, 11, 17 and 22: see col. 11, line 58 through col. 12, line 14).

Glaser et al. teach a diagnostic system wherein the memory device is further adapted to store sensor data received by the computer at times subsequent to the occurrence of the predetermined process event (Claims 3 and 13: see col. 11, line 58 through col. 12, line 14).

Glaser et al. teach a diagnostic system wherein the memory device is further adapted to store sensor data received by the computer at times prior to the occurrence of the predetermined process event (Claims 12 and 18: see col. 11, line 58 through col. 12, line 14).

Glaser et al. teach a diagnostic system wherein the memory device is further adapted to, store sensor data received by the computer at times prior to the occurrence of the predetermined process event and subsequent to the occurrence of the predetermined process event (Claim 14: see col. 11, line 58 through col. 12, line 14).

Glaser et al. teach a diagnostic system wherein the computer is a microcontroller located on the field device (Claim 5: see Figure 6A).

Glaser et al. teach a diagnostic system wherein the memory device is located on the field device (Claim 6: see Figure 6A).

Glaser et al. teach a diagnostic system wherein the memory device is a non-volatile RAM (Claims 7: see col. 11, line 58 through col. 12, line 14).

Glaser et al. teach a diagnostic system wherein the field device is a valve positioner (Claim 8: see col. 5, lines 16-20).

Glaser et al. teach a field device wherein the predetermined process event is the failure of a sensor (Claim 19: see col. 22, lines 29-45).

Glaser et al. teach a field device wherein the predetermined process event is a component failure (Claim 20: see col. 22, lines 29-45).

Glaser et al. teach a field device wherein the predetermined process event is a process variable change (Claim 21: see col. 22, lines 12-19).

Glaser et al. teach a field device wherein the predetermined process event is a command from a process control workstation (Claim 22: see col. Figure 3).

***Allowable Subject Matter***

4. **Claims 9, 10, 15, 16, and 23** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to /Edward Raymond/ whose telephone number is 571-272-2221. The examiner can normally be reached on M-F 8:30-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eliseo Ramos-Feliciano can be reached on 571-272-7925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 10/631,254  
Art Unit: 2857

Page 5

/Edward Raymond/  
Primary Examiner  
Art Unit 2857

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